

REMARKS

The applicants have carefully considered the Office action dated January 9, 2007, and the references applied to the claims thereby. By way of this response, claims 1-8, 10-23, 37, 38, 41, 44, 46-51, 53-64, 67-69, 75-78, 82-93, 96, 97, 99-101, 103-107, 110, 111, 113, 116-120, 122, 124-127, 132, 134, 139, 144, 149, 155, 161, 167, 172, 177, 182, 184, 186, 188, 190 and 192 have been amended, and claims 9, 24-33, 35, 39-40, 42-43, 45, 52, 65-55, 73 and 74 have been canceled without prejudice. In view of the following, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

Turning to the art rejections, the Office action rejected claims 1-33, 35, 37-53, 68-69, 73-78, 82-93, 96-101, 105-122 and 126-193 as being unpatentable over Williams et al. (U.S. Patent No. 5,945,988). The Office action rejected claims 54-67, 103-104 and 124-125 as being unpatentable over Williams et al. and further in view of Eldering et al. (U.S. Patent No. 6,457,010). The applicants respectfully traverse these rejections.

Claims 1-187

Independent claims 1, 91, 116, 182, 184 and 186 recite, among other things, determining a probability that an audience member is in an audience of a program being viewed at a first location, adding the audience member to a log of audience members for the program when the probability is greater than a threshold, and uploading the log of audience members to a data collection server, the data collection server to receive one or more logs of audience members from one or more additional audience measurement systems. None of the art of record teaches or suggests adding the

audience member to a log of audience members for a program when the probability is greater than a threshold, and then uploading the log to a data collection server.

In general, audience measurement is concerned with the collection of audience member information and/or data useful to statistically determine and/or estimate the number and/or demographics of respondents, households and/or persons consuming and/or having an opportunity to consume (i.e., exposed to) any types of content, such as, but not limited to, television shows, commercials, movies, sporting events, etc. As such, logs of audience members for a plurality of pieces of content for which demographic information is desired are created, recorded and/or stored at a plurality of audience measurement systems at respective ones of a plurality of audience measurement sites (e.g., households). Because more than one person may be present in an audience of a program at any given time, some audience measurement systems are capable to log in more than one audience member at a time.

Turning now to the instant application, the methods and apparatus of the instant application are directed to audience measurement systems and are concerned with determining whether an unknown audience member can be identified automatically with sufficient accuracy or whether to prompt an audience member to identify themselves. The audience member logs are then uploaded to a data collection server. The data collection server also collecting logs from other audience measurement locations.

The method and apparatus described by Williams et al. are directed to automatically determining and dynamically updating user preferences in an entertainment system. In a first embodiment described by Williams et al., an apparatus comprises a storage medium to store user preference information corresponding to at least a subset of

a plurality of entertainment system users and a processor agent. The processor agent, communicatively coupled to the storage medium, is operative to monitor user interactions with the entertainment system and to automatically detect which of the plurality of entertainment system users is currently using the entertainment system. (Williams Abstract).

In contrast to the recitations in the claims, Williams et al. are not concerned with recording which members are present in an audience of a program. Rather, Williams et al. are concerned with identifying a single active user and then activating their individual user preferences. In fact, only a single set of preferences for an entertainment system may be operative at any given time and, thus, Williams et al. only describe methods and apparatus for detecting and/or confirming which one (singular) of a set of potential users are currently using the entertainment system. The method and apparatus described by Williams et al. then load the user preference information for the detected user. (Williams 3:9-16) Williams et al. compare user interactions with the user preference information to determine which user is most likely currently operating the entertainment system (Williams 3:4-9 and 8:62-9:63). No where in Williams et al. is a log of audience members recorded for various program. Moreover, even if Williams et al. were construed to record a log of audience members, Williams et al. do not describe the uploading of such a log to a data collection server that collects and processes audience member logs from a plurality of locations. Instead, Williams et al. describe the collection and utilization of user preference information at a single entertainment system (i.e., a single location).

Eldering et al. appears to be similarly deficient. Accordingly, claims 1, 91, 116, 182, 184 and 186 and all claims depending therefrom are in condition for allowance. An indication of allowance is respectfully requested.

Claims 188-193

Independent claims 188, 190 and 192 recite, among other things, logging-in a first audience member with a first audience identification based on a first probability, selectively providing a prompt for a second audience identification based on a second probability, and logging-in the second audience member based on the second audience identification, wherein the first and the second audience members may be logged into the audience at a first location at the same time. As described above in connection with independent claims 1, 91, 116, 182, 184 and 186, none of the art of record is concerned with recording all members that are present in an audience of a program. Rather, Williams et al. are concerned with identifying the single active user and then activating their individual user preferences. Eldering et al. appears to be similarly deficient. Accordingly, claims 188, 190 and 192 and all claims depending therefrom are in condition for allowance. An indication of allowance is respectfully requested.

If the Examiner is of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact the undersigned at the number identified below.

Respectfully submitted,

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